

10 MAY 68

RFCA

MAY

ACTION  
 SECTION  
 WCHB

⑦ EXTRADITABLE crimes

FBB 724

6-1-1954

ACTION L-03

FUGITIVE INDEX bc

N-312

DE-291-2-78360-265

-----323111 161646Z /38

17 AUG 23 1989

Check to see  
where warrants  
were issued.

DEPT OF JUSTICE WASHDC IMMEDIATE

AMEMBASSY PARIS/IMMEDIATE

UNCLAS MADRID 06165

STATE FOR L/LEI

44A 11  
-0 11 88  
ICC FAXED TO LAS VEGAS  
ICC 5064  
5-23-89  
CB

JUSTICE FOR INTERNATIONAL AFFAIRS CRIMINAL DIVISION

PARIS FOR LEGATT ATTN: [REDACTED]

E.O. 12356: N/A

TAGS: CJAN, CVIS, SNAR, SP ~~MARKS~~, DENNIS

HOWARD) [REDACTED]

SUBJ: EXTRADITION CASES OF DENNIS HOWARD AND [REDACTED]

EF: (A) STATE 148662; (B)

[REDACTED] TELCON OF 5/11/89

1. AS AGREED IN REFTELCON PROSECUTOR IN CHARGE OF THE MARKS CASE WAS APPROACHED TO OBTAIN HIS OPINION ABOUT THE RISKS THE U.S. GOVERNMENT WAS TAKING IF THE ASSURANCES WERE ISSUED CONDITIONALLY AND WITH THE RESERVATION TO CONTEST THE 30-YEAR IMPRISONMENT LIMIT IMPOSED BY THE AUDIENCIA NATIONAL.
2. PROSECUTOR EMPHATICALLY STATED THAT THE RISK WAS

UNCLASSIFIED

*[Handwritten signature]*

*US*  
*for*

b6  
b7c

UNCLASSIFIED

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MADRID 06165 161643Z

THAT THE EXTRADITION WOULD NOT BE GRANTED UNDER THOSE CONDITIONS. PROSECUTOR EXPLAINED THAT THE REASON FOR THE LIMIT IS A JUDICIAL INTERPRETATION OF ARTICLE 15 OF THE SPANISH CONSTITUTION WHICH ABOLISHED CAPITAL PUNISHMENT AND ESTABLISHED THE PROHIBITION OF IMPOSING INHUMAN AND DEGRADING PENALTIES. IT HAS BEEN CONSIDERED BY THE SPANISH COURTS THAT TO SERVE OVER THIRTY YEARS IN PRISON IS INHUMAN AND DEGRADING.

3. HE WAS THEN ASKED WHETHER THE DECISION ON THE

[REDACTED] CASE COULD ENABLE THE EMBASSY TO ASK FROM

THE JUDICIAL AUTHORITIES A REVIEW OF THE LIMIT IMPOSED IN THE MARKS CASE. HE SAID THAT ONLY AFTER

MR. [REDACTED] MARKS WERE IN THE UNITED STATES WOULD HE TAKE ANY ACTION IN THAT RESPECT.

4. IN ORDER NOT TO JEOPARDIZE THE EXTRADITION OF

MR. [REDACTED] MARKS EMBASSY SUGGESTS PRESENTING NOTE

VERBALE GIVING ASSURANCES REQUESTED AS STATED IN PARA 2 OF REFTEL ELIMINATING THE LAST PARAGRAPH.

b6  
b7c